
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Victor Jurado Aguirre,

Plaintiff,

versus

M.V. Dole California, *et al.*,

Defendants.

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Civil Action G-07-209

Opinion on Dismissal

1. *The Incident.*

Victor Jurado Aguirre is a citizen and resident of Ecuador. He served aboard the *Dole California*, under the flag of the Bahamas. Aguirre says he was injured on board while she was in the harbor at San Diego, California. He reported the injury weeks later, and he was medically treated for the first time in Ecuador. This is Aguirre's sole connection to the United States.

Ventura Trading Ltd. owns the *Dole California*, and Reefership Marine Services Ltd. operates her. They are both Bermudian companies. Aguirre is an employee of Tropical Navigation Malta, Ltd., of Malta. None of the defendants is located nor has conducted business in Texas. The ship has not called at Texas ports. This court has no jurisdiction.

2. *Parents and Subsidiaries.*

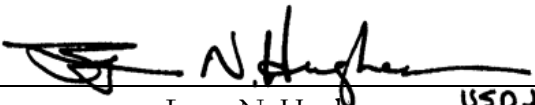
Aguirre argues the court has jurisdiction of the companies with which he dealt because their parents do business in Texas. Even if he has correctly identified the parents, he was not injured by the parents and did not sue them. He offers no fact to suggest that the parents have done anything that would be a justification for ignoring corporate distinctions and holding others responsible for the defendants. *See Ebrahim v. Shell Oil Co.*, 847 F.Supp. 65, 67 (S.D.Tex.1994).

3. *Choice.*

In their contract, Tropical and Aguirre chose Malta as the sole forum to hear their disputes. Aguirre does not explain why that choice should not be adhered to. Presumptively, Malta is an adequate forum. Aguirre may refile there.

This court has no jurisdiction and the case will be dismissed.

Signed on March 14, 2008, at Houston, Texas.



Lynn N. Hughes
United States District Judge

USDC